

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>MARK McKAY</b>	:	<b>CIVIL ACTION</b>
<i>Plaintiff,</i>	:	
	:	
<b>v.</b>	:	
	:	
<b>TED KRIMMEL et al.</b>	:	<b>NO. 18-2112</b>
<i>Defendants.</i>	:	

**ORDER**

**AND NOW**, this 7th day of March, 2019, upon consideration of the Court’s June 4, 2018 Order placing this case in suspense (Doc. No. 7), Plaintiff Mark McKay’s “Motion for Rule 4” (Doc. No. 20), the defendants’ responses (Doc. Nos. 23, 24, and 28), Defendant Ted Krimmel’s Motion to Dismiss (Doc. No. 27), Mr. McKay’s Motion for Summary Judgment (Doc. No. 29), the defendants’ responses in opposition (Doc. Nos. 30 and 32), Mr. McKay’s “Motion: Opposition” (Doc. No. 31), Mr. McKay’s Response in Opposition to Chief Krimmel’s Motion to Dismiss (Doc. No. 33), Mr. McKay’s “Motion to Object to Defendants Request for Dismissal of a Jury Trial” (Doc. No. 46), Mr. McKay’s “Motion to Object to Defendants Request for Dismissal of a Jury Trial” (Doc. No. 49), and Mr. McKay’s “Motion to Withdraw from Suspense, & to Proceed Pro Se” (Doc. No 50), it is **ORDERED** as follows:

1. Mr. McKay’s “Motion for Rule 4” (Doc. No. 20) is **DENIED**;
2. Mr. McKay’s Motion for Summary Judgment (Doc. No. 29) is **DENIED**;
3. Chief Krimmel’s Motion to Dismiss (Doc. No. 27) is **GRANTED IN PART AND DENIED IN PART** as set out in the accompanying Memorandum;

4. Mr. McKay's "Motion: Opposition" (Doc. No. 31), "Motion to Object to Defendants Request for Dismissal of a Jury Trial" (Doc. No. 46), and "Motion to Object to Defendants Request for Dismissal of a Jury Trial" (Doc. No. 49)—which are all construed as responses in opposition to Chief Krimmel's Motion to Dismiss (Doc. No. 27)—are **DEEMED MOOT**;
5. Mr. McKay's "Motion to Withdraw from Suspense, & to Proceed Pro Se" (Doc. No. 50) is **GRANTED**;
6. The Clerk of the Court shall **REMOVE** this case from **SUSPENSE STATUS**;
7. The Clerk of the Court shall **REMOVE** this case from the Prisoner Civil Rights Panel;  
and
8. The defendants shall respond to Mr. McKay's complaint by March 29, 2019.

BY THE COURT:

S/Gene E.K. Pratter  
GENE E.K. PRATTER  
UNITED STATES DISTRICT JUDGE